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SECURITY COUNCIL
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Letter dated 16 May 1991 from the Permanent Representative of Ghana to the United Nations addressed to the Secretary-General

On the instructions of my Government, I have the honour to forward herewith a copy of the statement issued by the Government of Ghana on 10 May 1991 on the report of the National Commission for Democracy, entitled "Evolving a True Democracy" (see annex), and to request you to circulate it as an official document of the General Assembly under item 30 of the preliminary list, and of the Security Council.

(Signed) Kofi N. AWOONOR
Ambassador and
Permanent Representative

* A/46/50.

ANNEX

Statement issued by the Government of Ghana, on 10 May 1991, on the report of the National Commission for Democracy, entitled "Evolving a True Democracy"

1. On 25 March 1991, the National Commission for Democracy presented to the Government its report entitled "Evolving a True Democracy".

2. The report summarizes the work of the National Commission for Democracy as the body set up in 1982 to perform the dual functions of an electoral commission and also to assist in developing a programme for a more effective realization of democracy in Ghana. The National Commission for Democracy also played a major part in the establishment of district assemblies and their sub-structures as the institutional framework for decentralized administration and development, and has been providing a framework for increased and effective civic and political education.

3. The consultative processes engaged in by the National Commission for Democracy climaxed by the regional seminars on "District Assemblies and the evolving democratic process" led to the articulation by Ghanaians of all walks of life of their major concerns for the future governance of the country. These concerns are enumerated in the chapter of the National Commission for Democracy report on "Main issues for consideration by the Consultative Assembly".

4. The main issues include human rights, particularly workers' rights, women's rights, children's rights, and the rights of the handicapped. They also include the basic freedoms of speech, of conscience, of assembly and association, freedom from arbitrary arrest and detention and from invasion of privacy.

5. The report of the National Commission for Democracy addressed issues of representation and the need for ensuring that language is not a barrier to genuine popular participation in government.

6. Accountability and responsibility are both stressed in the report, the former by insisting that a code of conduct for high office holders be included in the next constitution, and the latter by suggesting that aspiring office holders must have fulfilled all their tax obligations, and also that specific constitutional duties be imposed on national assemblymen and high political office holders.

7. The report noted that Ghanaians see the existence of political parties as an expression of the fundamental freedom of association, but that the operation of future political parties should be shorn of the excesses and iniquities of the past. It is proposed that provision be made in the constitution to guard against such abuses.

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8. A wide-ranging set of issues are put on the agenda for the Consultative Assembly by the National Commission for Democracy, including also the nature, functions and power of the various organs of State, such as the National Assembly, the Executive, the Judiciary and the Security Agencies, and a re-examination of our citizenship laws. A strengthened Ombudsman as a more functional agency in the redress of executive and administrative excesses and of maladministration at both national and district levels is discussed.

9. The report of the National Commission for Democracy further identifies positive achievements already made in the area of participatory democracy, but which require to be constitutionally underwritten in the new framework of national administration. These include participatory democracy at the local level, represented by the district assemblies and their sub-structures, decentralized administration for development, revenue-sharing between central government and local authorities, accountability of candidates and elected officials to their electorate both before and after elections, with the possibility of recall in case of default, as well as a framework for monitoring and assessing the performance of elected officials.

10. The government has studied the report and accepts the various views expressed as the embodiment of the aspirations of Ghanaians on the future constitutional order, and will accordingly submit the report to the Consultative Assembly as one of the major source documents for its deliberations.

11. The government will formulate constitutional proposals to be placed before the Consultative Assembly, which will reflect the concerns that have been articulated in the report. Accordingly, the government has decided to set up a Committee made up of constitutional experts which will begin to formulate these proposals. The Committee will be under the Chairmanship of Dr. S. K. B. Asante, a former Solicitor-General and currently a Director of the United Nations Centre on Transnational Corporations. The services of the Committee will also be available to the Consultative Assembly.

12. The constitutional proposals will make provision for freedom of association, including the formation of political parties. There will also be provision for independent candidates. Although during the consultative processes of the National Commission for Democracy there was a substantial body of opinion expressing concern about the past conduct of political parties, the report of the National Commission for Democracy points the way to making constitutional provisions to guard against such abuse. Ultimately, it will be the responsibility of all Ghanaians to ensure the proper functioning of any institutions that are provided for under the constitution.

13. The constitutional proposals will make provision for an Executive President to be elected on the basis of universal adult suffrage. Provision will also be made for a Prime Minister who must command a majority in the National Assembly. Elections to the National Assembly will also be on the basis of universal adult suffrage.

14. As the need for national consensus on critical national issues has been highlighted by the report of the National Commission for Democracy, the proposals will embody forms of cooperation between political parties, National Assembly members and other institutions to define in an ongoing manner the areas of consensus on which partisan considerations can be muted in the supreme interest of the nation.

15. In this regard, the proposals will provide for certain institutions and constitutional functions to remain above partisan politics. Such institutions and functions must include the judiciary and the military. The proposals will also make provision for other areas of non-partisanship, in which persons will serve without reference to party affiliation. Such institutions can provide a context in which chiefs, elder statesmen, military personnel, etc. can contribute their views to deliberations on national affairs in a manner that transcends partisan consideration. The exact form of such institutions will require detailed consideration in the Consultative Assembly.

16. The report of the National Commission for Democracy indicates consensus that District Assembly elections continue to be held on a non-party basis, with candidates standing on their individual merit and not under the sponsorship of a political party. The constitutional proposals will reflect this consensus and will clarify the relationship between the functions of the District Assembly and the National Assembly.

17. The constitutional proposals will also reflect the following:

(a) A commitment to fundamental human rights and basic freedom, including workers' and trade union rights, women's rights, including the rights of widows provided for in the interstate succession law. Children's rights, especially against child abuse, the rights of the handicapped and disadvantaged minorities, freedom of speech, freedom from arbitrary arrest and detention and from invasion of privacy, and freedom of assembly and association. In addition, there should be a mechanism in the constitution for the enforcement and protection of these fundamental liberties;

(b) Constitutional guarantees of the legal-aid system, and the office of the Ombudsman;

(c) A free independent and incorruptible judiciary;

(d) The freedom and independence of the media;

(e) A decentralized system of national administration, based on a virile local-government system, with development as its objectives and including revenue-sharing clauses;

(f) A commitment to equal and balanced development in the allocation of national resources and in the distribution of the national wealth.

18. The report of the National Commission for Democracy touched briefly on the importance of the economic foundations for evolving a true democracy. It is perhaps unfortunate that the report considered the issue of the economy as not strictly within the mandate of the Commission and therefore did not elaborate on this. There is no doubt that the continued improvement of the national economy is a necessity for ensuring the stability of the new constitutional order. There can also be no doubt that the modest but important gains that have been made in the economy would need to be consolidated and the directions of the economic recovery programme continued in order to enable further improvements to be made in the lives of ordinary people. Accordingly, as has been exemplified many times in many Western democracies, in times of national crisis and transition, a national consensus must be developed regarding the direction of economic growth. This will ensure that Ghana continues to receive the much needed assistance from the international community in the pursuit of our national reconstruction. Accordingly, the pertinent issues relating to the national economy and measures to sustain and enhance it will be placed before the Consultative Assembly for deliberation.

19. A law establishing the Consultative Assembly will be published next week and the Consultative Assembly will begin its deliberations in July this year.

20. The Consultative Assembly will be composed of elected representatives of district assemblies, identifiable bodies and appointed persons in accordance with previous practice in 1968 and 1978.

21. In accordance with such practice, the government recognizes that the process of constitutional deliberation should be non-partisan and, therefore, the ban on political parties will remain for the time being.

22. The draft constitution will be submitted to the people of Ghana for their approval in a national referendum.

23. As part of the arrangements towards the new constitutional order and in the light of the recommendations made in the report of the National Commission for Democracy, the Government will take steps to reorganize and reconstitute the Commission in order to enable it to discharge fully its electoral as well as its civic education functions.

24. The success of our democratic processes will depend on the mature conduct of all Ghanaians. To establish a solid basis for constitutional democracy that can stand the test of time we must all take lessons from the past and work in the national interest to achieve our national aspirations.